

MINUTES
BOARD OF ADJUSTMENT
December 7, 2006

THOSE IN ATTENDANCE

Gary Soule, Chairman	Jason Jaggi, City Planner
Rick Bliss	Kevin O'Keefe, City Attorney
Mel Disney	
Victor Cohen	
Kevin Williams	

Chairman Soule called the meeting to order at 5:00 p.m. He introduced himself and asked each member to do the same.

MINUTES

The minutes of the meeting of November 2, 2006 were presented for approval. The minutes were approved, after having been previously distributed to each member.

Chairman Soule welcomed everyone to the meeting. He stated that the members of this Board are appointed by the Mayor and approved by the City's Board of Aldermen and serve without monetary compensation. He indicated that a full compliment of the Board consists of 5 members and that four members must vote in favor of a variance in order for the requested variance to be granted. He stated that the applicant must demonstrate practical hardship with regard to the property in order to justify the granting of a variance. He then advised that this is a duly advertised, duly noted meeting and that the proceedings are of record. He reminded everyone that all testimony is tape-recorded and the minutes produced from this recording. He then asked that all individuals wishing to speak to please speak clearly. He stated that generally, the City will present its exhibits first, after which the applicant will make their presentation, then questions/comments from the Board members will ensue after which audience comments will be solicited and finally, a vote will take place.

Chairman Soule indicated that there is one matter to consider this evening and confirmed that the applicant was in attendance.

AN APPEAL FROM MARK RODGERS, OWNER/DEVELOPER, FOR THE PROPERTY AT 301 N. FORSYTH

Everyone who was in attendance at the time of swearing-in who wished to speak in regards to the variance request was sworn-in by the recording secretary.

Chairman Soule asked Jason Jaggi to describe the nature of the appeal.

Jason Jaggi began the PowerPoint presentation, explaining corner lots and how the rear and side yards are determined. He stated in this case, the greater street frontage is along Forsyth with the opposite being the rear yard. A slide depicting the site layout was shown. He stated the property is located at the northwest corner of North Forsyth and Topton Way in the Clayton Gardens Subdivision. He indicated that the shape of the corner lot is regular and considerably larger than many other corner lots in Clayton Gardens. Jason indicated that the 30 foot front setback is being provided as is the 13 foot side yard setback.

Chairman Soule asked if the house faces Forsyth.

Jason Jaggi replied "yes". Slides depicting site photographs and that of two other new houses along Forsyth were shown.

Rick Bliss asked if variances were granted for the other two new homes on Forsyth.

Jason Jaggi replied "no".

Chairman Soule thanked Jason for the project overview.

Kevin O'Keefe presented the following City exhibits and requested that they be entered into the record, as follows: City's Code of Ordinances, specifically the Zoning Ordinance Article 15.8 (2) as well as the files and records of the Planning Department, the application, supporting documents and staff's report. City staff's presentation is also entered into the record.

Mr. Rodgers presented a site plan to the members (copy previously distributed to each member in their agenda packet). Site photographs of the subject property and photos of the home at 311 N. Forsyth were distributed. Mr. Rodgers advised the members that his company also developed the home at 311 N. Forsyth. He stated he believes this home will be another wonderful addition to Clayton Gardens. He indicated that they have done a lot of site work, for example a new storm sewer system and three manholes have been installed.

Chairman Soule asked how the subject house will compare to that of the existing house at 311.

Mark Rodgers presented a context elevation drawing to the members. He stated each home they develop they push themselves to get better. He indicated that while the home at 311 is wonderful, this new home will be spectacular.

Mel Disney asked about the easement and asked if the new deck will be built within the easement.

Mr. Rodgers stated they are not building anywhere in the easement.

Mel Disney asked if the property is being or recently has been resubdivided as the legal description indicates that this property is Lot 1 and part of Lot 2.

Mr. Rodgers stated that it is its own lot and if it was resubdivided, it was done long before he purchased it.

It was mentioned that the 6 foot easement between the two properties has been duly recorded with St. Louis County.

Mel Disney asked if the existing home was in a rehab state when it was purchased.

Mr. Rodgers stated that the previous owner did some rehab to include an updated kitchen and combining two bedrooms to make one master bedroom.

Rick Bliss asked how the footprint of the existing home compares to the footprint of the proposed home. He asked how much further to the north will the new home sit. He asked if the existing home were re-built today would be in violation of the setback requirements.

Jason Jaggi replied “yes”. He stated the square footage of the footprints of the two homes is similar and that the placement of the two homes on the site will be similar.

Mr. Tom Mackenzie, project architect, advised the members that the north side placement of the two structures is relatively equal (within 3 feet).

Chairman Soule referred to Page 5 of staff’s report, which indicates that if the side and rear yards were reversed (which is essentially what the applicant is proposing) the setbacks would be met.

Rick Bliss referred to Page 4 of the variance application, which states 2) Description of the effect or impact on neighboring properties: “The proposed residence would strengthen the vocabulary established in neighboring properties.” He asked what is meant by the word “vocabulary”.

Mr. Mackenzie stated that the word “rhythm” is probably a better choice of words as this house would continue the rhythm of the street with the side entry garage and the house oriented towards Forsyth.

Mark Rodgers stated they are basically asking to keep the same orientation as what exists today.

Chairman Sanger asked Jason if staff felt a hardship existed in this case.

Jason Jaggi replied “yes”; he stated this is a corner lot, not typical in shape as it is more squared than rectangular. He stated the Zoning Ordinance was set up with the thinking that corner lots are the same size as interior lots whereas this is not the case as this corner lot is larger and is square in shape.

Chairman Soule asked about the location of the front door.

Jason Jaggi indicated that if the Zoning Ordinance were followed, the front of the house would have to orient towards Kingsbury.

Chairman Soule then commented that if that were done, it would be different than the rest of the houses on Forsyth.

Jason Jaggi agreed. He stated they want to keep the same pattern as exists today.

Chairman Soule commented that granting this variance would not have an adverse effect on the public safety or welfare

Jason Jaggi agreed.

Chairman Soule commented that the placement of the new house would be in the same general location as the existing residence.

Jason Jaggi agreed.

Chairman Soule asked the applicant to explain the alternatives they researched.

Mr. Mackenzie stated if they positioned the house differently, the mature trees along Kingsbury would be impacted and they do not want to disturb those trees. He stated this plan maintains the shared driveway and reduces impervious coverage.

Kevin Williams asked if this home will sit in the same position as the home at 311 or if it is slightly turned.

Jason Jaggi stated this home will sit at a slight angle because of the property curves at Topton Way and the setback requirements.

Kevin Williams asked if the new garage will be in the same location as the existing home's garage.

Mr. Rodgers replied "yes".

Rick Bliss advised that the structure will not be in violation of the west setback, only the north (right) setback. He stated he supports not turning the house as that would be absurd.

Chairman Soule noted a letter received from Scott Decker, 8209 Kingsbury and stated it would be entered into the record.

Jason Jaggi informed the members that he spoke with Mr. Decker and there seemed to be some confusion with the corner lot and its associated setback requirements. He stated that during the course of their conversation, he explained the situation, the setback requirements and that Mr.

Decker seemed satisfied with the response. Jason informed the members that Mr. Decker lives out of state and that his property is up for sale.

Mr. Mackenzie commented that Mr. Decker probably believed there to be a west setback violation, which is not the case.

Chairman Soule entered a motion to approve the variance as requested to allow a 16.48-foot variance from 30.19-foot rear yard setback to allow the construction of a new single family residence. The motion was seconded by Mel Disney and unanimously approved by the Board.

Mr. Rodgers thanked the members and informed them that there will be an open house at 311 N. Forsyth in 45-60 days and invited them to attend.

Rick Bliss asked the square footage of the home.

Mr. Rodgers indicated the first two floors combined are 3,200 square feet with a completely finished basement.

Chairman Soule asked the list price of the home.

Mr. Rodgers replied "1.5 million dollars."

Jason Jaggi noted the 2007 Meeting Schedule which was distributed to each member in their agenda packet.

Being no further business for the Board of Adjustment, this meeting adjourned at 5:45 p.m.

Recording Secretary